

### REMARKS

Applicant's remarks, below, are preceded by quotations of the related comments of the examiner, in small, boldface type.

2. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23, in line 2, there is no antecedent basis for "the base."

4. Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithson et al. [US 5,654,873].

Regarding claims 15-17, Smithson et al. disclose a disk drive assembly including an electromagnetic interference shield (figure 2) comprising:

- a frontal plate (203) having a plurality of openings therethrough;
- a side panel (figure 2) perpendicular to the frontal plate and extending rearwardly thereof; and
- at least one electrically conductive resilient spring finger clip (figure 2) protruding in a lateral direction from the side panel.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson et al. in view of Gamble et al. [US 6,166,901].

Regarding Claim 21, Smithson et al. disclose the instant claimed invention except for the being disposed between a latching mechanism and a base of a disk drive carrier. Gamble et al. disclose a disk drive carrier (15, figure 1) having a base (21) and a latching mechanism (29).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to use the carrier design of Gamble et al. for the disk drive of Smithson et al., for the purpose of providing support for the disk drive.

Applicant has amended claim 15 to include the limitations of claim 21. Smithson and Gamble do not disclose or suggest a "shield [] disposed between a latching mechanism and a base of the disk drive carrier." As the examiner notes, above, Smithson only discloses a an EMI shield 203 disposed in front bezel 202 but does not disclose or suggest EMI shield 203 "being disposed between a latching mechanism and a base of a disk drive carrier." (figs. 6A-B; col. 4, lines 63-65; Response Mailed 9/12/02, p. 3, ¶ 6.) Gamble discloses a disk drive carrier 15 having "a rear end 25 with a handle 29," but does not disclose or suggest that handle 29 is a latching mechanism. (fig. 1; col. 2, lines 19-20). In fact, Gamble teaches the "vibration dampening system" of external end absorber 31, internal side absorbers 41, and spring assemblies 51 and the "bay door 33 and the system enclosure door 38," for securing hard disk

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drive assembly 11 within system 37. (figs. 6 and 7; col. 2, lines 26-27, 43, and 55; col. 3, lines 25-29.) Thus, Gamble teaches away from handle 29 as a latching mechanism and the examiner's theory with regard to Gamble appears to be incorrect.

Claims 16-17 and 22-24 are dependent on amended claim 15 and patentable for at least the same reasons.

The fact that the applicant has responded to certain positions taken by the examiner does not constitute a concession with respect to any positions of the examiner to which the applicant has not explicitly responded. The fact that the applicant has focused on certain reasons for patentability of the claims does not constitute a concession that there are not other good reasons why the claims are patentable.

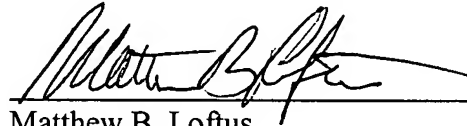
Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be allowed. Enclosed is a \$110 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

1/13/03



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Version with markings to show changes made

In the claims:

Claim 21 has been cancelled.

Claim 15 has been amended as follows:

15. (Amended) An electromagnetic interference shield attached to a disk drive carrier, said electromagnetic interference shield comprising:  
a frontal plate comprising an opening through the frontal plate [configured] to permit air to pass through the frontal plate;  
a side panel connected at a substantially right angle to the frontal plate and extending rearwardly; [and]  
the side panel [being configured] to house at least one electrically conductive finger clip protruding in a lateral direction from the side panel; and  
wherein the shield is disposed between a latching mechanism and a base of the disk drive carrier.

21. (Cancel) The electromagnetic interference shield of claim 15 wherein the shield is disposed between a latching mechanism and a base of the disk drive carrier.